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	APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
	10/663,333	09/16/2003	Klaus Obendiek	487.1084	3786
	23280	7590 06/15/2005		EXAMINER	
	DAVIDSON, DAVIDSON & KAPPEL, LLC 485 SEVENTH AVENUE, 14TH FLOOR			MORROW, JASON S	
	NEW YORK, NY 10018		, ook	ART UNIT	PAPER NUMBER
				3612	

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Examiner		Application No.	Applicant(s)				
Jason S. Morrow   Jason S. M							
The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Edentions of time map be evaluate under the previous of 3 CFR 1.13(c). In no event, however, may a reply the timely filted in the proof of time may be evaluated under the previous of 3 CFR 1.13(c). In no event, however, may a reply the timely filted in the proof of the property of the proof o	Office Action Summary	Examiner	Art Unit				
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2a)  This action is FINAL.  2b)  This action is non-final.  3	Status						
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### **DETAILED ACTION**

# Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 19 is rejected under 35 U.S.C. 102(b) as being anticipated by DE101084493 (Obendiek).

Re claim 19, Obendiek discloses a convertible vehicle top, comprising a first roof part (4), a second roof part (5) adjoining the first roof part in a closed position of the top, an upper link mechanism (28), and a link pivotably (21) connected to the first roof part, and wherein the upper link mechanism is disposed between the link and the second roof part so as to connect the link to the second roof part.

## Allowable Subject Matter

- 3. Claims 1-18 and 25-32 are allowed.
- 4. Claims 20-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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#### Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason S. Morrow whose telephone number is (571) 272-6663. The examiner can normally be reached on Monday-Friday, 8:00a.m.-4:30p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (571) 272-6659. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason S. Morrow Primary Examiner Art Unit 3612

June 3, 2005

PRIMARY PATENT EXAMINER

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